

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSNORMAN A. EDMINSTER,
Plaintiff,

v.

STONE & WEBSTER, INC.,
Defendant.

Civil Action No.

04 cv 10466 DPWNOTICE OF REMOVALMAGISTRATE JUDGE Collings

To the Honorable Judges of the United States District Court for the District of Massachusetts.

Petitioner Stone & Webster, Inc. ("Stone & Webster"), the defendant in the above-captioned action, states:

1. This action was commenced in the Trial Court of Massachusetts, Superior Court Department, Norfolk County (the "Superior Court"), Civil Action No. 03-02309, and is now pending in that court. Process was served upon an agent of defendant Stone & Webster on February 17, 2004.

2. Stone & Webster desires to exercise its rights under the provisions of 28 U.S.C. §§1441, *et seq.*, to remove this action from the Superior Court.

3. This is an action in which the District Courts of the United States have original jurisdiction under the provisions of 28 U.S.C. §1332 in that it is a civil action between citizens of different states wherein the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

a. Plaintiff Norman A. Edminster alleges that at the time of the commencement of this action he was, and, on information and belief still is, a citizen of the Commonwealth of Massachusetts.

b. Stone & Webster at the time of the commencement of this action was, and still is, a corporation duly created and organized by and under the laws of the State of Louisiana with its principal place of business located in Baton Rouge, Louisiana. Stone & Webster at the time of the commencement of this action was, and still is, a citizen of the State of Louisiana.

c. The amount in controversy in this action exceeds \$75,000.00, as the plaintiff seeks to recover \$58,000 in lost wages plus unspecified additional "compensatory, multiple and/or punitive" damages and attorneys' fees caused by Stone & Webster's alleged wrongful termination of plaintiff's employment and its alleged age discrimination under M.G.L. c.151B.

4. Pursuant to 28 U.S.C. §1446(d), a true and accurate copy of this Notice of Removal is being filed with the Superior Court.

5. Pursuant to LR, D. Mass. 81.1 of the Local Rules of the United States District Court for the District of Massachusetts, within thirty days of the filing of this Notice of Removal, Stone & Webster will file in this Court certified or attested copies of the summons and complaint and docket entries in the Superior Court Department of the Trial Court of Norfolk County, Massachusetts.

6. Stone & Webster attaches hereto as Exhibit 1 and makes a part of this petition true and accurate copies of the pleadings and process served upon it in this action.

7. Stone & Webster reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Stone & Webster hereby removes the action now pending against it in the Trial Court of Massachusetts, Superior Court Department, Norfolk County, Civil Action No. 03-02309, to this Court.

Respectfully submitted,

STONE & WEBSTER, INC.

By its attorneys,

Kevin P. Sweeney

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(617) 832-2500

Dated: March 8, 2004

CERTIFICATE OF SERVICE

I, Kevin P. Sweeney, hereby certify that on this 8th day of March 2004, I caused a copy of the above **NOTICE OF REMOVAL** to be served by overnight mail addressed to Jonathan R. Black, 99 Derby Street, Suite 200, Hingham, Massachusetts 02043 (attorney for plaintiff).

Kevin P. Sweeney

Kevin P. Sweeney